

ATTORNEY REGULATION ADVISORY COMMITTEE

MINUTES

Thursday, April 19, 2012
9:30 am to 12:00 pm

State Courts Building
1501 West Washington Street, Phoenix, Arizona
Conference Room 109

Present

Telephonically Present

Absent

Committee Members

Hon. William J. O'Neil (Chair)
John Tuchi
Alan P. Bayham, Jr
James Drake, Jr.
J. Scott Rhodes
Benny Click
Emily Johnston
George Reimer
Maret Vessella
Patricia Sallen

Dr. Ronald R. Watson
Pamela Treadwell-Rubin

AOC Staff

Kathleen Curry
Kim Mate

Emily Holliday

Item # Regular Business

Call to Order at 9:31am

Judge William O'Neil, Chair

No. 1 Review and Approval of March 2012 ARC minutes

Motion: Approve March 2012 ARC Minutes

Moved by J. Scott Rhodes

Seconded by Emily Johnston

Vote: Passed 10-0-2

No. 2 Update by Chair on April 30th ARC Report

Maret Vessella

- Number reflect a significant decrease in processing time in investigation stage through final order
- Examine specific disciplinary rules for clarification
- Reference vote taken in Item #5, on adoption of final report.

No. 3 Discuss Pending Rule Petitions

a) Rule Petition R-12-0010 Attorney Discipline

Judge O'Neil

No further comment from the committee.

b) Rule Petition R-12-0019 Attorney Discipline - Interim Suspensions

George Reimer

- Final decision should be left up to the Disciplinary Judge
- Referring back to Rules Subcommittee

c) Rule Petition R-12-0020 Practice of Law by Spouses of Military Service Members

Jim Drake / John Tuchi

Motion: Support Admissions Subcommittee's letter and recommendation of a joint letter from C&F, Exams and ARC Committees

Moved by J. Scott Rhodes

Seconded by Alan P. Bayham, Jr.

Vote: 10-0-2

d) Rule Petition R-12-0002 Bar Examination filed by Dean Lawrence Ponoroff, University of Arizona, et al

Jim Drake

- Admissions Subcommittee not in favor of petition
- Board of Governor's Rules Committee will recommend to the Board of Governor's that the State Bar support this petition.

Motion: File comment opposing this petition

Moved by James Drake, Jr.

Seconded by John Tuchi

Vote: 7-1-4

Alan P. Bayham, Jr – opposed, Patricia Sallen – abstain, Maret Vessella – did not review the report therefore will abstain

e) Rule Petition R-12-0005 Admission on Motion filed by Barry D. Halpern, et al

Jim Drake / John Tuchi

Motion: The Admissions Subcommittee recommends that the petition be continued for consideration by the court and referred back to this committee as part of its broader review of attorney admission and regulation.

Moved by James Drake, Jr.

Seconded by J. Scott Rhodes

Vote: 7-0-5

Alan P. Bayham, Jr – abstain, Patricia Sallen – abstain, Maret Vessella – did not review the report therefore will abstain.

f) Rule Petition R-12-0011 Admission Oversight filed by Jim Drake, Chair, Committee on Examinations and John Tuchi, Chair, Committee on Character and Fitness

Jim Drake / John Tuchi

Motion: Reviews and recommends adopting

Moved by J. Scott Rhodes

Seconded by Benny Click

Vote: 10-0-2

Motion amended – approve all but 33a, which committee has no comment.

No. 5 Comments and Next Steps

Judge O'Neil

- Annual Report due in next few weeks

Motion: Consider Maret's draft as the primary basis of the rule, with the discussed changes.

Moved by J. Scott Rhodes

Seconded by Alan P. Bayham, Jr.

Vote: 9-0-3

Patricia Sallen – abstain

No. 6 Call to the Public

Judge O'Neil

None

Adjournment of meeting by Judge O'Neil at 10:49am